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EXAMINER

PRESTON, JOHN O

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/769,917	Applicant(s) ROSENBLATT ET AL.	
	Examiner JOHN O. PRESTON	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,17-27 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15,17-27 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 5-15, 17-27, and 29-35 are presented for examination. Applicant filed an amendment on May 12, 2008. Claims 4, 16, and 28 are canceled. Claims 1, 5, 13, 25, and 29 are amended. Since the new grounds of rejection were necessitated by applicant's amendment of the claim(s), the rejection of claims 1-3, 5-15, 17-27, and 29-35 is a final rejection of the claim(s).

Response to Arguments

2. Applicant's arguments filed on May 12, 2008 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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4. Claims 1-3, 6, 7, 10, 13-15, 18, 19, 22, 25-28, 30, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bank Marketing News (Jan/Feb 2001. Volume 33, Issue 1) and in view of The Star Tribune (Minneapolis, Minn. May 10, 1997, page 3H), and further in view of The Sunday Telegraph (London (UK). April 7, 2002. page 10).

Claim 1 Bank Marketing News discloses the following limitations:

- *determining if the consumer is a potential purchaser of real estate* (Bank Marketing News page 14-17);
- *offering a credit card account to the consumer if the consumer is a potential real estate purchaser* (Bank Marketing News page 14-17);

Bank Marketing News does not disclose any other limitations. However, The Star Tribune discloses the following limitations:

- *transferring a balance to the credit card account equal to at least a portion of closing costs associated with the purchase of the real estate by the consumer* (Star Tribune page H3);
- *providing a predetermined discount to the consumer for items purchased by the consumer using the credit card account* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Bank Marketing News with the elements as taught by The Star Tribune because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Bank Marketing News/Star Tribune does not disclose the remaining limitations. However, The Sunday Telegraph discloses the following limitation:

- *setting a discounted interest rate on the account balance corresponding to the closing costs transferred to the credit card account, wherein the discounted interest rate is less than the interest rate applied to the balance associated with transactions other than the closing costs* (The Sunday

Telegraph, page 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune with the technique of The Sunday Telegraph because it would improve the marketability of credit cards to potential homeowners.

Claim 2 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 1. Bank Marketing News further discloses the following limitations:

- *using at least one of a realtor, a bank, and property management companies to identify a consumer desiring to purchase real estate* (Bank Marketing News page 14-17).

Claim 3 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 1. Bank Marketing News further discloses the following limitations:

- *offering the credit card account through at least one of a realtor, a bank, and a point-of-sale location* (Bank Marketing News page 14-17).

Claim 6 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 1. Star Tribune further discloses the following limitations:

- *the discounted purchase items are associated with the purchased real estate* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

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Claim 7 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 1. Star Tribune further discloses the following limitations:

- *the discount is provided through an entity from which the discounted purchase items are purchased* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

Claim 10 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 1. Star Tribune further discloses the following limitations:

- *identifying an entity from which the consumer purchases items using the credit card account* (Star Tribune page H3);
- *determining whether items purchased from the identified entity qualify for a discount* (Star Tribune page H3); *and discounting items purchased from the entity when determining that items purchased from the identified entity qualify for a discount* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

Claim 13 Bank Marketing News discloses the following limitations:

- *a memory storage for maintaining a database* (Bank Marketing News pages 14-17); *and*
- *a processing unit coupled to the memory storage, wherein the processing unit is operative to determine if the consumer is a potential purchaser of real*

estate (Bank Marketing News page 14-17);

- *offer a credit card account to the consumer if the consumer is a potential real estate purchaser* (Bank Marketing News page 14-17);

Bank Marketing News does not disclose any other limitations. However, The Star Tribune discloses the following limitations:

- *transfer a balance to the credit card account equal to at least a portion of closing costs associated with the purchase of the real estate by the consumer* (Star Tribune page H3); *and*
- *provide a predetermined discount to the consumer for items purchased by the consumer using the credit card account* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News with the technique of The Star Tribune because it improves the marketability of credit cards to potential homeowners. Bank Marketing News/Star Tribune does not disclose the remaining limitations. However, The Sunday Telegraph discloses the following limitations:

- *setting a discounted interest rate on the account balance corresponding to the closing costs transferred to the credit card account, wherein the discounted interest rate is less than the interest rate applied to the balance associated with transactions other than the closing costs* (The Sunday Telegraph, page 10).

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Bank Marketing News/Star Tribune with the elements as taught by The Sunday Telegraph because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

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Claim 14 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 13. Bank Marketing News further discloses the following limitations:

- *the processing unit being operative to use at least one of a realtor, a bank, and property management companies to identify a consumer desiring to purchase real estate* (Bank Marketing News page 14-17).

Claim 15 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 13. Bank Marketing News further discloses the following limitations:

- *the processing unit being operative to offer the credit card account through at least one of a realtor, a bank, and a point-of-sale location* (Bank Marketing News page 14-17).

Claim 18 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 13. The Star Tribune further discloses the following limitations:

- *the discounted purchase items are associated with the purchased real estate* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

Claim 19 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 13. The Star Tribune further discloses the following limitations:

- *the discount is provided through an entity from which the discounted purchase items are purchased* (Star Tribune page H3).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

Claim 22 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 13. The Star Tribune further discloses the following limitations:

- *the processing unit being operative to: identify an entity from which the consumer purchases items using the credit card account (Star Tribune page H3);*
- *determine whether items purchased from the identified entity qualify for a discount (Star Tribune page H3); and*
- *discount items purchased from the entity when determining that items purchased from the identified entity qualify for a discount (Star Tribune page H3).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the elements cited in Bank Marketing News/The Sunday Telegraph with the elements as taught by The Star Tribune because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 25 Bank Marketing News discloses the following limitations:

- *determining if the consumer is a potential purchaser of real estate (Bank Marketing News page 14-17);*
- *offering a credit card account to the consumer if the consumer is a potential real estate purchaser (Bank Marketing News page 14-17);*

Bank Marketing News does not disclose any other limitations. However, The Star Tribune discloses the following limitations:

- *transferring a balance to the credit card account equal to at least a portion of closing costs associated with the purchase of the real estate by the consumer (Star Tribune page H3); and*
- *providing a predetermined discount to the consumer for items purchased by the consumer using the credit card account (Star Tribune page H3).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners. Bank Marketing News/Star Tribune does not disclose any other limitations. However, The Sunday Telegraph discloses the following limitations:

- *setting a discounted interest rate on the account balance corresponding to the closing costs transferred to the credit card account, wherein the discounted interest rate is less than the interest rate applied to the balance associated with transactions other than the closing costs (The Sunday Telegraph, page 10).*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the elements cited in Bank Marketing News/Star Tribune with the elements as taught by The Sunday Telegraph because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 26

Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 25. Bank Marketing News further discloses the following limitations:

- *using at least one of a realtor, a bank, and property management companies to identify a consumer desiring to purchase real estate (Bank Marketing News page 14-17).*

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Claim 27 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 25. Bank Marketing News further discloses the following limitations:

- *offering the credit card account through at least one of a realtor, a bank, and a point-of-sale location* (Bank Marketing News page 14-17).

Claim 28 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 25. The Sunday Telegraph further discloses the following limitations:

- *the credit card account includes a discounted interest rate on the account balance corresponding to the closing costs transferred to the credit card account, wherein the discounted interest rate is less than the interest rate applied to the balance associated with transactions other than the closing costs* (The Sunday Telegraph page 10).

It would have been obvious to one of ordinary skill in the art to combine the elements cited in Bank Marketing News/Star Tribune with the elements as taught by The Sunday Telegraph because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately.

Claim 30 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 25. The Star Tribune further discloses the following limitations:

- *the discounted purchase items are associated with the purchased real estate* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

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Claim 31 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 25. The Star Tribune further discloses the following limitations:

- *the discount is provided through an entity from which the discounted purchase items are purchased* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the marketability of credit cards to potential homeowners.

Claim 34 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in the rejection of claim 25. The Star Tribune further discloses the following limitations:

- *identifying an entity from which the consumer purchases items using the credit card account* (Star Tribune page H3);
- *determining whether items purchased from the identified entity qualify for a discount* (Star Tribune page H3); and
- *discounting items purchased from the entity when determining that items purchased from the identified entity qualify for a discount* (Star Tribune page H3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/The Sunday Telegraph with the technique of The Star Tribune because it would improve the efficiency of marketing credit cards to potential homeowners.

5. Claims 5, 8, 9, 11, 12, 17, 20, 21, 23, 24, 32, 33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bank Marketing News/Star Tribune/Sunday Telegraph, and further in view of The Washington Post (Feb. 2, 2003, page H5).

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Claim 5 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 1. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the discounted interest rate is zero* (The Washington Post page D1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 8 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 1. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the discount is provided by an issuer of the credit card account* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 9 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 1. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *an issuer of the credit card account and an entity from which the discounted purchase items are purchased, are the same entity* (The Washington Post page H5).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the efficiency of marketing credit cards to potential homeowners.

Claim 11 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 10. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *entities from which items purchased qualify for a discount are predetermined by an issuer of the credit card account* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the efficiency of marketing credit cards to potential homeowners.

Claim 12 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 1. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the credit card account is configured for use by the consumer to make purchase transactions unrelated to the purchased real estate* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 17 Bank Marketing News/Star Tribune/Sunday Telegraph discloses the limitations as shown in claim 13. Bank Marketing News/Star Tribune/Sunday Telegraph

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does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the discounted interest rate is zero* (The Washington Post page D1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 20 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 13. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the discount is provided by an issuer of the credit card account* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 21 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 13. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *an issuer of the credit card account and an entity from which the discounted purchase items are purchased, are the same entity* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The

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Sunday Telegraph with the technique of The Washington Post because it would improve the efficiency of marketing credit cards to potential homeowners.

Claim 23 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 22. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *entities from which items purchased qualify for a discount are predetermined by an issuer of the credit card account* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the efficiency of marketing credit cards to potential homeowners.

Claim 24 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 13. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the credit card account is configured for use by the consumer to make purchase transactions unrelated to the purchased real estate* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 29 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 25. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

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- *the discounted interest rate is zero* (The Washington Post page D1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 32 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 25. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the discount is provided by an issuer of the credit card account* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Claim 33 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 25. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *an issuer of the credit card account and an entity from which the discounted purchase items are purchased, are the same entity* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the efficiency of marketing credit cards to potential homeowners.

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Claim 35 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 34. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *entities from which items purchased qualify for a discount are predetermined by an issuer of the credit card account* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the efficiency of marketing credit cards to potential homeowners.

Claim 36 Bank Marketing News/Star Tribune/The Sunday Telegraph discloses the limitations as shown in claim 25. Bank Marketing News/Star Tribune/The Sunday Telegraph does not disclose any other limitations. However, The Washington Post discloses the following limitations:

- *the credit card account is configured for use by the consumer to make purchase transactions unrelated to the purchased real estate* (The Washington Post page H5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Bank Marketing News/Star Tribune/The Sunday Telegraph with the technique of The Washington Post because it would improve the marketability of credit cards to potential homeowners.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event of a first reply is filed within TWO MONTHS of the

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mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Preston, whose telephone number is (571) 270-3918. The examiner can normally be reached on Monday to Friday from 9:00 AM to 5:00 PM.

/John O Preston/

Examiner, Art Unit 3691

August 26, 2008

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691